

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
MINORU KUSAKABE ET AL.) : Examiner: M. Nguyen
Application No.: 09/671,623) : Group Art Unit: 2625
Filed: September 28, 2000) : Confirmation No. 8731
For: IMAGE PROCESSING APPARATUS) : May 30, 2007
AND METHOD, AND STORAGE
MEDIUM)

Mail Stop DAC
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT

Sir:

Applicants hereby petition the Commissioner under 37 CFR 1.181(a) to restore the above-identified abandoned application to pending status on the grounds that Applicants never received an Office Action purportedly mailed on September 26, 2005.

FACTS

1. In response to an Office Action dated March 23, 2005, Applicants filed an Amendment on June 23, 2005.

2. In telephonic conversations with the Examiner in October and December 2006 and in a subsequent review of the Patent Application Information Retrieval (PAIR) system, Applicants learned that an Office Action was purportedly mailed on September 26, 2005.

3. In a telephonic interview on December 5, 2006, the Examiner advised Applicants' undersigned attorney that the application is, in effect, abandoned. Applicants' undersigned attorney requested that either the case be restored to pending status or a Notice of Abandonment be mailed, officially abandoning the case.

4. A Notice of Abandonment dated March 30, 2007, was mailed and subsequently received by Applicants.

5. Applicants' undersigned attorney hereby states and attests that a search of the file jacket and docket records for this application indicates that the Office Action was not received by Applicants' attorneys. To support this statement, a copy of Applicants' attorneys' docketing records for this application is attached, indicating that the last due date for this application was June 23, 2005, the deadline of the three-month shortened statutory period for responding to the Office Action dated March 23, 2005. No due date for an Office Action dated September 26, 2005, was entered.

RELIEF REQUESTED

The Commissioner is respectfully requested to restore the above-identified application to pending status since Applicants never received the Office Action purportedly mailed September 26, 2005, through no fault of their own. It is respectfully requested that a new Office Action be mailed, resetting the period for responding to the Office Action.

FEE

The Commissioner is hereby authorized to charge Deposit Account No. 06-1205 for any petition fee which may be due. However, since Applicants believe that the abandonment occurred through no fault of their own, no fee should be due. Note MPEP § 711.03(c)I.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Mark A. Williamson/

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MAW/agm:ytr

FCHS_WS 1102056v1

Docket No: 00862.022011. **Status:** Pending

Staff Ann M. McCamey	Signatory Anthony M. Zupcic	
Title:	IMAGE PROCESSING APPARATUS AND METHOD, AND STORAGE MEDIUM	
Country: United States of America	Priority Date: 30 September 1999	
Property Type: Patents	App No/Date: 09/671623 28 September 2000	
Category: National	Reg No/Date:	
	Next Renewal:	
Client: Otsuka Patent Office	Client Ref: P200-0225	
Agent: Otsuka Patent Office	Agent Ref: CFM02011US	
All Owners: Canon Kabushiki Kaisha		
All Inventors: UMEDA, K MIYAKE, N KUSAKABE, M		
Remarks: #2626; Country of Origin - JAPAN LastUpdate - 03-28-2005		
Due Dates	Event Description	Event Text
1/26/2001	DUPLICATE FILING RECEIPT	
3/30/2001	RECORDED ASSIGNMENT	
Event Dates	Event Description	Event Text
9/30/1999	Earliest priority date	
9/27/2000	Z-APPLN SENT	ACS/DCO
9/27/2000	Z-W/O ASSIGN	ACS/DCO
9/27/2000	Z-W/O DECL	ACS/DCO
9/28/2000	Application Filing Date	
9/28/2000	Date of Entry	
9/28/2000	Instructions Received Date for new case	
9/28/2000	Open Correspondence	
9/28/2000	Open Examination Action	
9/28/2000	Open Lodgement Action	
11/17/2000	Z-CLM/PRIOR	ACS/DCO
1/12/2001	Z-ASSIGNMENT	COURIER/DC
1/12/2001	Z-DECL W/SUR	COURIER/DC
1/9/2003	Z-INFO/DISCL	COURIER/DC
9/16/2003	Z-INFO/DISCL	COURIER/DC
4/5/2004	Z-INFO/DISCL	COURIER/DC
9/3/2004	Z-INFO/DISCL	HND PR MJD
11/8/2004	Z-RESP R/E	HND PR JAB
6/23/2005	Respond to 3 month Office Action	

ca DataEase

Country Applications

COUNTRY APPLICATION DATA

Case Number: 862.C2011	Country: USA	Sub Case:			
Attorney: MJD	United States of America				
Case Type: ORD	Application Status: PENDING				
Application Number: 09/671623	Filing Date: 09/28/00				
All Actions					
Case Number	Count	Su	Se	Action Due	Date Due
862.C2011	USA		14	RESP OA	06/23/05
862.C2011	USA		#1	AMEND STAT	12/23/05

Patent Number: Issue Date: / /
Publication Date: / / Expiration/Abandon Date: / /
Agent: Agent Reference Number: CFM02011US
Tax Schedule: NL Paid Thru:
Patent Office Code: 26# Priority Date: / /
Remarks: #2626;
F4CMDHELP ESCEXIT F2SAVE SH-F1TABLE F3VIEW F7DEL F8MODIFY F9QBE F10MULTI

CH DataEase

Country Applications

C O U N T R Y A P P L I C A T I O N D A T A

Case Number: 862.C2011	Country: USA	Sub Case:
Attorney: MJD	United States of America	
Case Type: ORD	Application Status: PENDING	
Application Number: 09/671623	Filing Date: 09/28/00	

All Actions

Case Number	Count	Su	Se	Action Due	Date Due	M	Response	Response	Method Se
862.C2011	USA	08		RCRD ASSIGN	03/30/01	/	INFO/DISCL	01/09/03	COURIER/D
862.C2011	USA	09			/	/	INFO/DISCL	09/16/03	COURIER/D
862.C2011	USA	10			/	/	INFO/DISCL	04/05/04	COURIER/D
862.C2011	USA	11			/	/	INFO/DISCL	09/03/04	HND PR MJ
862.C2011	USA	12			/	/	INFO/DISCL	11/08/04	HND PR JA
862.C2011	USA	13		RESP R/E	11/06/04		RESP R/E		

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 Remarks: #2626;
 F4CMDHELP ESCEXIT F2SAVE SH-F1TABLE F3VIEW F2DEL F8MODIFY F9QBE F10MULTI